

Commissioners:  
JOE GARCIA, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
E. LEON JACOBS, JR.

RECEIVED

MAR 01 2000



DIVISION OF POLICY ANALYSIS &  
INTERGOVERNMENTAL LIAISON  
CHARLES H. HILL  
DIRECTOR  
(850) 413-6800

## Public Service Commission

February 24, 2000

Ms. Wendy R. Dixon  
EIS Project Manager  
M/S 010  
U.S. Department of Energy  
Office of Civilian Radioactive Waste Management  
Yucca Mountain Site Characterization Office  
P.O. Box 30307  
North Las Vegas, NV 89036-0307

RE: Docket: DOE/EIS-0250D  
Comments of the Florida Public Service Commission  
Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent  
Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada  
64 Fed. Reg. 44200 (August 13, 1999)

Dear Ms. Dixon:

The Florida Public Service Commission hereby submits the following comments on the above-referenced Draft Environmental Impact Statement. Katrina Tew, the lead contact on these comments, may be reached at (850) 413-6656.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cynthia B. Miller".

Cynthia B. Miller, Esquire  
Bureau of Intergovernmental Liaison

CM:kt

Enclosure

cc: Catherine Bedell, FPSC General Counsel  
Charles D. Gray, NARUC Executive Director

## UNITED STATES DEPARTMENT OF ENERGY

Draft Environmental Impact Statement for a )  
 Geologic Repository for the Disposal of Spent )  
 Nuclear Fuel and High-Level Radioactive Waste )  
 at Yucca Mountain, Nye County, Nevada )  
 64 Fed. Reg. 44200 (August 13, 1999) )

Docket: DOE/EIS-0250D

COMMENTS OF THE FLORIDA PUBLIC SERVICE COMMISSIONSUMMARY

1 [ The Florida Public Service Commission (FPSC) is pleased that the Department of Energy (DOE) has completed the Draft Environmental Impact Statement (Draft EIS) and has chosen to proceed with the Proposed Action to construct, operate, monitor, and eventually close a geologic repository for the disposal of spent nuclear fuel and high-level radioactive waste at Yucca Mountain, Nevada. We must emphasize the impact that DOE's decision has on Florida and other states which rely in part on nuclear generation to meet their significant demand for affordable and reliable electricity. ]

DISCUSSION

2.... [ Millions of Florida utility customers have paid for the development of a geologic repository for the permanent disposal of spent nuclear fuel and high-level radioactive waste. Since 1983, Florida's ratepayers who receive the benefit of the electricity generated by the state's five nuclear units have paid over **\$530 million** into the Nuclear Waste Fund. Nationwide, ratepayers have paid in excess of **\$16 billion**. In return, both the Nuclear Waste Policy Act of 1982 (NWPA) and waste disposal contracts required DOE to begin moving and disposing of spent nuclear fuel no later than January 1998. While ratepayers have steadily paid into the Nuclear Waste Fund, DOE has not

2 cont. [ fulfilled its part of the obligation. The repository is incomplete, and DOE is not expected to begin moving spent nuclear fuel until 2010 at the earliest, at least twelve years behind schedule.]

3 [ Further delays in the development of the repository at Yucca Mountain will likely result in the expenditure of hundreds of millions of dollars to construct and maintain additional on-site storage at reactor sites across the country. Utilities in Florida and over thirty other states are currently storing spent nuclear fuel at their reactor sites. Once spent fuel pools reach capacity, utilities are forced to construct costly dry storage facilities on site. So far, utilities in Florida have managed to avoid this expense by finding ways to increase capacity in their spent fuel pools. However, one utility, Florida Power & Light Company, will likely be forced to pursue dry cask storage at its St. Lucie Nuclear Plant before 2010 due to space constraints. If DOE had begun disposal of spent nuclear fuel according to the NWP requirements, utilities would have been able to avoid most dry cask storage costs. Utilities should not be forced to expend funds for temporary on-site storage of spent nuclear fuel. Furthermore, public utility commissions should not be put in the position of responding to utility requests to pass on the exorbitant costs of the federal government's delay to the ratepayers.

4 [ Additionally, delays in repository development may prevent utilities from seeking renewal of their operating licenses. It may even result in the early shutdown of some units, which will necessitate replacing existing nuclear generation with some other source of generation. Since nuclear power provides approximately 20 percent of Florida's power needs, the costs of replacing that power with some other source could be significant. Again, ratepayers should not be at risk of covering the costs of the federal government's inaction.

5

We further note that the Energy Information Administration suggests that nuclear power is a crucial factor in helping the United States achieve the carbon emission targets set forth in the Kyoto Protocol in its "Annual Energy Outlook 2000" report and its October 1998 "Impacts of the Kyoto Protocol" report for the U.S. House of Representatives Committee on Science. Additionally, in testimony before the U.S. House Appropriations Committee on March 11, 1999, William D. Magwood, IV, Director of DOE's Office of Nuclear Energy, Science and Technology, noted the importance of our existing nuclear plants in "... meeting international commitments on climate change." Finally, in its April 1998 "Comprehensive National Energy Strategy" report, DOE states, "... the continued operation and optimization of existing nuclear powerplants through advanced technologies may be an important contributor to meeting greenhouse gas emission-reduction goals if issues such as nuclear waste disposal and nonproliferation are resolved satisfactorily." (9) Thus, the Administration's points indicate that delaying the nuclear waste disposal program (which may result in the loss of some nuclear power generation) would hamper efforts to achieve the carbon emission reductions proposed in the Kyoto Protocol.

6....

The FPSC supports DOE's Preferred Alternative to proceed with the development of the geologic repository at Yucca Mountain and urges DOE to move forward expeditiously. After years of extensive study, DOE has not identified any significant evidence to suggest that a repository should not be built at Yucca Mountain. Furthermore, DOE appears to be more and more convinced that Yucca Mountain is an appropriate site for a nuclear waste repository with each milestone completed in the site characterization process. Seventeen years ago, the federal government codified its longstanding national policy that a geologic repository was the best long-term means of isolating high-level nuclear waste from human contact. Twelve years ago, Congress decided that Yucca

6 cont. [ Mountain was the most suitable site to examine in close detail. One year ago, DOE's Viability Assessment indicated that there were "no show stoppers" to proceeding with scientific and technical work at Yucca Mountain. Now, with a focus on impacts to the environment, DOE has completed yet another important step. In the Draft EIS, DOE has again demonstrated that proceeding with the permanent repository is a preferable solution to leaving spent nuclear fuel at reactor sites. ]

7..... [ The FPSC also agrees with DOE's decision not to pursue the No-Action Alternative, which was analyzed under two scenarios. ] Scenario 1 involves long-term storage of spent nuclear fuel and high-level radioactive waste at the current sites with effective institutional control for at least 10,000 years. Scenario 2 also involves long-term storage, but with no institutional controls after

7 cont. approximately 100 years. [ Under either scenario, the No-Action Alternative is simply not acceptable for the following reasons:

- It leaves the spent nuclear fuel indefinitely in storage facilities at reactor sites. Although on-site dry cask storage has been determined by the Nuclear Regulatory Commission to be safe for a limited amount of time, waste should not be stored on-site indefinitely.
- It is not consistent with the NWPA, which requires DOE to dispose of high-level radioactive waste in a geologic repository.
- Consolidation of spent nuclear fuel at a central site is clearly more efficient and cost-effective than 77 storage sites (72 commercial sites and 5 DOE sites) scattered across the nation.
- According to DOE's estimates, the costs of the No-Action Alternative, under either Scenario 1 or 2, exceed the costs of the Proposed Action. (DOE estimates a total cost of approximately **\$5 trillion** for No-Action Alternative, Scenario 1; over **\$51 billion** for No-Action Alternative, Scenario 2; and about **\$28.8 billion** for the Proposed Action, including transportation to the repository.)
- Since utility ratepayers have paid over **\$16 billion** to date for the federal government to provide a permanent solution to the nuclear waste disposal problem, the federal government should uphold its end of the bargain. ]

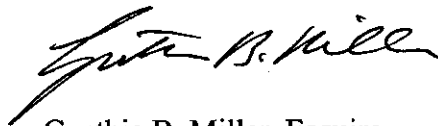
8..... [ Regarding transportation, DOE has provided information for the state transportation and public health and safety organizations to consider as DOE advances in the development of a more detailed transportation plan for safe movement of the waste. Certainly, the FPSC supports safe

8 cont. transportation of nuclear waste to either an interim storage or permanent disposal facility. Since high-level radioactive waste has been shipped safely across this country for years, we do not think transportation issues will prevent DOE from fulfilling its obligation. Furthermore, the Florida Department of Health's Bureau of Radiation Control has stated that the risk of an accident during the transportation of spent nuclear fuel or high-level radioactive waste is known to be low.

#### CONCLUSION

9 The FPSC concurs with the Secretary of Energy that a geologic repository should be developed on the basis of "sound science." DOE's detailed analysis in the Draft EIS appears to demonstrate that the federal government is adequately studying the science, with a particular focus on the impacts that a geologic repository at Yucca Mountain may have on the environment. DOE should live up to its statutory and contractual obligations by finalizing the EIS and proceeding expeditiously toward the licensing, construction, and operation of a repository at Yucca Mountain. We urge DOE to remove high-level radioactive waste from reactor sites as soon as possible to prevent unnecessary and duplicative costs to utility customers in the State of Florida.

Respectfully submitted,



Cynthia B. Miller, Esquire  
Bureau of Intergovernmental Liaison

FLORIDA PUBLIC SERVICE COMMISSION  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Dated: February 24, 2000